



COMMONWEALTH of VIRGINIA

Office of the Attorney General

Mark R. Herring
Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120
7-1-1

MEMORANDUM

To: Kathleen R. Nosbisch, Executive Director
Board for Professional Soil Scientists, Wetland Professionals, and Geologists
Department of Professional and Occupational Regulation

From: Joshua E. Laws
Assistant Attorney General
Counsel to the Board for Professional Soil Scientists, Wetland Professionals, and Geologists

Date: January 28, 2014

Subject: Letter of Assurance for Proposed Fast-Track Amendments to 18 VAC § 145-30-40

I have reviewed the proposed amendments to 18 *Virginia Administrative Code* ("VAC") § 145-30-40, which removes the requirement for experience to be under the supervision of a certified professional wetland delineator, which the Department of Professional and Occupational Regulation submitted to Virginia Regulatory Town Hall on January 22, 2014. In my view, as counsel to the Board for Geology, these regulations may be promulgated pursuant to Title 54.1, Chapter 14 of the Code of Virginia. The regulations do not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor do they appear to conflict with any federal or state law currently in effect. It is also my opinion the proposed regulatory amendments are unlikely to be controversial, and, therefore, the Department may promulgate them via the fast-track rulemaking process set forth in Code § 2.2-4012.1.